

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1385 OF 2004

Office notes, office Memoranda
of Coram, appearance, Court's
orders or directions and
Registrar's orders.

Court's or Judge's orders.

Mr.S.R.Shinde, APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : 09/1/2006.

P.C.

1. This is an appeal filed by the State impugning a judgment and order dated 17.7.2004 passed by the II Addl. Sessions Judge, Pandharpur acquitting the accused for offence punishable under Section 354 and 506 of the I.P.C. By the impugned judgment and order, the Sessions Court allowed the appeal filed by the original accused who had been convicted for the said offence by J.M.F.C. Pandharpur. On perusal of the impugned appellate order, it is clear that cogent and acceptable reasons have been given by the court. The incident in question took place on 15.7.1988 at about 5.00p.m. It was the prosecution case that the accused had caught hold of the hair of Jijabai and

also pressed her breast. The accused also pressed her mouth and prevented her from raising shouts. The accused wanted her to come into the sugar-cane crop. She rescued herself and ran towards her house and informed the incident to her husband in the said evening at about 7.30p.m. It was the prosecution case that Jijabai and her husband then went to Sarpanch Kantilal to narrate the incident and there the accused gave threats. It is seen that the present case F.I.R. has been lodged 4 days after the incident on 19.7.1998. The appellate court concluded that there is no satisfactory explanation of this delay. Sarpanch P.W.No.5 Kantilal has not supported the prosecution case even in respect of the threats said to have been given by the accused. The panchas of the scene of offence panchanama have not been examined to show that there was any standing crop. In my view, not a fit case for interference. Hence, leave refused. Consequently the appeal

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stands dismissed.

(R. S. MOHITE, J.)